

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

KEVONGH J. GRANT)	
Plaintiff,)	Case. No. 1:19-CV-0025
v.)	
)	
APTIM ENVIRONMENTAL AND)	
INFRASTRUCTURE, INC., WITT O'BRIEN'S, LLC,)	
ODEBRECHT CONSTRUCTION, INC., NATHAN)	
McCANN, ANDRES McCANN, JOHN DOES, JANE)	
DOES AND UNKNOWN CORPORATIONS)	
Defendants.)	

EXHIBIT 14

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

THE ORAL DEPOSITION OF **DONALD ROBERT JANZ**,
called for examination by the Plaintiff in the
above-entitled cause, for purpose of discovery, for use
in evidence and for such other and further uses as are
provided by the Federal Rules of Civil Procedure, was taken
before YVONNE SAMUEL-SETORIE, Registered Professional
Reporter, via Zoom video conference on the 13th day of
January 2023, commencing at 2:19 p.m., pursuant to Notice.

ELITE REPORTING SERVICES, INC.
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A-P-P-E-A-R-A-N-C-E-S:

ON BEHALF OF THE PLAINTIFF:

LAW OFFICES OF DIANE M. RUSSELL, P.C.
9273 Estate Clifton Hill
St. Croix, VI 00850

BY: DIANE M. RUSSELL, ESQ.

ON BEHALF OF THE DEFENDANTS:

DUDLEY NEWMAN FEUERZEIG LLP
Law House, 1000 Frederiksberg Gade
St. Thomas, VI 00804

BY: ALEX MOSKOWITZ, ESQ.

Also Present:

Aidan Delgado, Esq.

I-N-D-E-X

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P-R-O-C-E-E-D-I-N-G-S

(DONALD ROBERT JANZ,

having been called as a witness, was duly sworn by the Notary Public, was examined and testified as follows:)

DIRECT EXAMINATION

BY MS. RUSSELL:

Q. Good afternoon, Mr. Janz. My name is Diane Russell, and I'm an attorney in the Virgin Islands, specifically on the island of St. Croix. I represent an individual who was injured in a car accident in November of 2018. In the course of this case, your name came up as someone who may have information regarding the subject matter of the lawsuit, and that's why I asked you to be here today.

I understand that today is a special day for you; is that right?

A. That is.

Q. Okay. I understand this might be your last day of work with APTIM?

A. Yes, it is.

Q. Well, congratulations on your retirement.

A. Thank you.

Q. You're welcome.

1 Now, going forward, have you ever done a deposition
2 before?

3 A. Yes, I have.

4 Q. So I don't need to go through the rules. The
5 most important one, of course, is to tell the truth,
6 because you're sworn under oath under penalty of perjury.

7 A. Correct.

8 MS. RUSSELL: I want to make sure that the
9 deposition is being videoconferenced or videotaped.

10 And so I will remind Ms. Setorie to go ahead and do
11 that if she hasn't done that already.

12 BY MS. RUSSELL:

13 Q. Mr. Janz, I'm going to conduct this deposition by
14 asking you a few questions about your background, and then
15 I'll get into the nitty-gritty.

16 Can you state your full name, please?

17 A. My God given name is Donald Robert Janz.

18 Q. And can you spell that for the court reporter?

19 A. D-o-n-a-l-d R-o-b-e-r-t J-a-n-z.

20 Q. Great. And what state do you currently reside
21 in?

22 A. Colorado.

23 Q. And is that where this Zoom deposition is being
24 performed? Is this where you are currently?

25 A. That is correct.

1 Q. Okay. Can you give us your address and phone
2 number in Colorado?

3 A. 38244 Road J.5, Mancos, Colorado. And Mancos is
4 spelled M-a-n-c-o-s, and the zip is 81328. And my phone
5 number is 970-749-6184.

6 Q. Thank you so much.

7 Now, how long have you worked for APTIM?

8 A. 27 years.

9 Q. And I would imagine in various capacities; is
10 that right?

11 A. That is correct.

12 Q. Can you give me a rundown on your relationship
13 with APTIM for the last 20-odd years in terms of the types
14 of jobs you've held at APTIM?

15 A. Anywhere from disaster recovery to civil, heavy
16 vertical, basically all construction related projects.

17 Q. All right. Now, relative to your work in
18 disaster recovery, have you ever worked in the
19 U.S. Virgin Islands?

20 A. No.

21 Q. Have you had any relationship APTIM -- any
22 relationship with the Virgin Islands through APTIM?

23 A. Did I -- repeat the question.

24 Q. Sure. Any -- you may not have physically worked
25 in the Virgin Islands, but have you had any relations with

the Virgin Islands, so to speak, through your job with APTIM?

A. No.

Q. In November of 2018 where were you working?

A. I would have to probably say St. Croix.

Q. Okay. So what were you doing in St. Croix in November of 2018?

A. Uhm, I would like to say I was the construction manager for the EHRVI Program, and my job functions was ly dealing with our client, Witt O'Brien, who was under Housing Authority performing disaster recovery down e.

Q. When you say construction manager for the EHRVI Program, is that the emergency housing program?

A. That is correct.

Q. And that was in connection with Hurricane Maria and Irma?

A. Yeah, I believe so. Those were the two names.

Q. And what did you do as construction manager for --

A. My main function was -- was I had a team of organizational structure underneath me of the inspectors, and I had team leads that worked with the various subcontractors that were on the site. My main function was dealing directly with the client, which wasn't the

1 Housing Authority, even though they were the main client,
2 but they had a subcontractor called Witt O'Brien working
3 underneath them. And so the majority of my days were spent
4 in meetings or dealing directly with that. And I had a
5 team of individuals out in the field actually dealing with
6 the day-to-day operations.

7 Q. Were you familiar with any of the contractual
8 obligations that APTIM was under for --

9 A. Vaguely.

10 Q. Okay. Tell me what you know about the
11 coordination of transportation for the subcontractors.

12 A. That was up to the subcontractors to provide.

13 Q. And is that by contract?

14 A. I just know APTIM did not provide any vehicles to
15 any subcontractors.

16 Q. Did APTIM provide any vehicles at all in
17 connection with the EHRVI Program?

18 A. They provided vehicles for our internal APTIM
19 employees.

20 Q. And about how many of those employees were --
21 were down here, the APTIM employees, if you know?

22 A. I don't know, but I mean, it was, you know,
23 several -- there was at least a hundred, if not more.

24 Q. And did APTIM then -- 'cause this is after a
25 hurricane. Did APTIM then -- did they rent vehicles? Did

1 they ship vehicles down? How did the APTIM employees
2 actually access the vehicles?

3 A. We actually did both. We rented what we could on
4 island, and we shipped down, I want to say, at least 80,
5 80-some-odd pickup trucks.

6 Q. Any other equipment in terms of transportation
7 other than the pickup trucks and what you could get
8 locally, any other type of vehicles that APTIM --

9 A. No.

10 Q. -- provided?

11 Did APTIM have a contract with the subcontractors that
12 -- that stated that the subcontractors provided vehicles
13 for their employees? If you know.

14 A. I do not know.

15 MR. MOSKOWITZ: Court reporter, could you read
16 back that last question? It broke up and I couldn't
17 understand it.

18 (A portion of the record was read.)

19 MR. MOSKOWITZ: Thank you.

20 BY MS. RUSSELL:

21 Q. And I believe, Mr. Janz, your answer was you
22 didn't know if that was in place?

23 A. Correct. Yeah, we did not provide vehicles to
24 subcontractors.

25 Q. I understand.

But you don't know whether or not APTIM had a contract with the subcontractors that stated that they would provide their own vehicles? Is that what you're telling me?

A. That is correct. I did not work in procurement or subcontracts.

Q. Now, I understand that APTIM provided safety programs for its employees and subcontractors for work on the EHRVI Program; is that right?

A. That is correct. APTIM provided OSHA construction training. To sum it up, it was basically proper use of fall protection, ladders, working from elevated platforms. That kind of safety orientation was provided by APTIM to the subcontractors.

Q. Any type of training in terms of motor vehicle safety?

A. Not that I'm aware of. It was only --

(Interruption by the court reporter.)

A. Yes, it was only dealing with OSHA construction type safety training.

Q. So that wouldn't include driver safety training?

A. Come back with that question, please.

Q. Sure. Would that include driver safety training?

A. Not -- 'cause we weren't allowed to drive on the roofs.

Q. Understood. I understand.

1 APTIM still maintained a warehouse, is that right,
2 with materials in connection with the EHRVI Program?

3 A. That is correct.

4 Q. And what was the policy with respect to
5 retrieving items from that warehouse?

6 MR. MOSKOWITZ: Objection to form.

7 You can answer, if you know.

8 BY MS. RUSSELL:

9 A. What was that again?

10 Q. Sure. Let's try it this way. How did
11 individuals who worked on the EHRVI Program access the
12 warehouse that APTIM maintained?

13 A. They would order materials, and then come pick
14 the materials up.

15 Q. And in order to enter the facility, was there any
16 type of badging system that allowed individuals to enter
17 that warehouse?

18 A. You're breaking up.

19 THE WITNESS: Can anybody hear her better?

20 I'm getting some skip.

21 BY MS. RUSSELL:

22 Q. I asked whether or not -- you know, for you to
23 explain the badging with respect to entering the APTIM
24 warehouse.

25 A. Yes. Individuals that worked on the

1 EHRVI Program did have badges.

2 Q. And were those badges issued by APTIM?

3 A. Yes, they were.

4 Q. And how did one obtain a badge?

5 A. Usually when they went through the safety
6 training, they were -- pictures were taken and badges were
7 issued then.

8 Q. Are you familiar with the individuals Andrew and
9 Nathan McCann, who were two brothers who -- who went
10 through the APTIM safety program?

11 A. I am not. There was a lot of people went through
12 the safety program, and lot of people were in and out on
13 the island down there.

14 Q. How did you ensure that the individuals who
15 accessed the materials from the warehouse were employed by
16 whom they claimed they were employed by?

17 A. Well, I personally did not ensure that. We did
18 have warehouse personnel that did work at the warehouses
19 that did check the badges and make sure that there was work
20 orders for the projects that they were obtaining the
21 materials for.

22 Because the material list was basically e-mailed into
23 the warehouse, they would compile the materials, and then
24 let the individuals know when they were allowed to come
25 pick 'em up.

1 Q. Understood.

2 Was there a specific period of time that the warehouse
3 was open for materials to retrieved?

4 A. Basically, down there we worked sunup to sundown,
5 seven, twelves; so, you know, depending on the time change
6 in the sun, it could be 6:00 to 6:00 or 7:00 to 7:00. But
7 that was the normal standard, you know, operating hours.

8 Q. When you say 6:00 to 6:00 or 7:00 to 7:00, you're
9 talking 6:00 a.m. to 6:00 p.m.?

10 A. That is correct.

11 Q. Was there ever a --

12 A. Day shift only.

13 Q. Okay. Was it expected that the roofing -- that
14 all the roofs will be completed during the period of time
15 that APTIM contracted with the Housing Finance Authority?

16 MR. MOSKOWITZ: Objection to form.

17 You can answer.

18 THE WITNESS: I don't understand where she's
19 going with that question, so...

20 BY MS. RUSSELL:

21 Q. Sure. I'll rephrase it.

22 APTIM and the government entered a contract from
23 between September 2018 that ended November 30, 2018. Was
24 it anticipated that all the roofs would be completed during
25 this period of time?

1 A. I don't have an answer for that question.

2 Q. Okay. Now, when would an APTIM badge be revoked
3 or collected?

4 A. Upon termination of an employee.

5 Q. And how would APTIM be notified that an employee
6 was terminated?

7 A. By the subcontractor.

8 Q. So if an individual still retained an APTIM badge
9 with a subcontractor's name on it, would one assume that
10 that person had authority, based on the badge, to perform
11 work under the EHRVI Program?

12 MR. MOSKOWITZ: Objection to form.

13 BY MS. RUSSELL:

14 Q. You can answer, Mr. Janz, if you understand.

15 A. What?

16 Q. You can answer the question.

17 A. If they were still employed by the subcontractor,
18 then they should still have a badge.

19 Q. And if they're not employed by the subcontractor,
20 then they should not have a badge?

21 A. Correct.

22 Q. Did APTIM do any background checks at all on the
23 employees of these subcontractors, or did APTIM leave it up
24 to the subcontractor?

25 A. No, we did not provide background checks on

1 subcontractors.

2 Q. Can you tell me the difference between a Tier I,
3 II, and III subcontractor?

4 A. That's just basically, uhm, from, you know, being
5 a prime contractor, then your next level down would be your
6 Tier I, and your Tier II would be the subcontractor under
7 that subcontractor and vice versa.

8 Q. What was APTIM's relationship with the Tier I
9 subcontractors?

10 A. Repeat the question. You broke up.

11 Q. Sure. What was APTIM's relationship with the
12 Tier I subcontractors?

13 MR. MOSKOWITZ: Objection to form as to what
14 Tier I subcontractor we're talking about.

15 MS. RUSSELL: Sure.

16 BY MS. RUSSELL:

17 Q. What was APTIM's relationship with
18 Navigation Construction, which I understand was a Tier I
19 contractor?

20 A. Navigation was working for APTIM.

21 Q. Navigation was working for APTIM?

22 A. Correct.

23 Q. And what type of services were they performing
24 for APTIM?

25 A. The construction work on the EHRVI Program,

1 'cause that's all --

2 (Interruption by the court reporter.)

3 A. Yeah, because that's what our work was down
4 there, was the construction on the EHRVI Program.

5 Q. Did Navigation have a specific responsibility
6 with respect to the EHRVI, for example, just building
7 roofs?

8 A. Correct.

9 Q. What about APTIM's relationship with
10 Patriot Services? Would Patriot --

11 A. It was the exact --

12 Q. My question is: Was Patriot also a Tier I
13 subcontractor?

14 A. Correct. They worked for APTIM.

15 Q. So Navigation worked -- I'm sorry. Patriot
16 worked for APTIM. And what was their role? Were they also
17 building roofs?

18 A. Correct.

19 Q. And the employees of Navigation and Patriot went
20 through, I assume, the OSHA training course, the safety
21 courses that APTIM offered; is that right?

22 Can you hear me? Hello?

23 (Off the record.)

24 BY MS. RUSSELL:

25 Q. I had a question for you. I don't know if you

1 heard the question, but I didn't hear an answer.

2 A. What was --

3 Q. The question is: Were the employees of
4 Navigation and Patriot required to go through the APTIM
5 safety program?

6 A. And I answered correct.

7 Q. I just didn't hear that.

8 While you were employed by the EHRVI Program if
9 someone from Navigation or Patriot was no longer working
10 for these companies, would you be contacted so you could
11 get the badge back?

12 A. I personally would not be contacted. That would
13 probably be through our Health and Safety Department who
14 issued the badges.

15 Q. Who was heading up that Health and Safety
16 Department at that time in November of 2018?

17 A. There should have been two individuals, one, a
18 Darion Granger, and the other one, a Greg Pryorie
19 (phonetic).

20 Q. Can you spell Greg's last name?

21 A. No.

22 Q. Can you repeat it?

23 A. Pryorie.

24 Q. I am trying to write it down phonetically.

25 A. Yeah, I mean, I can -- I just always called him

1 Greg P. I think it's -- I think it's with a y. It's not
2 like spelled like Peoria, Arizona. I think it's with a y,
3 so it's P-r-y-o-r-i-e maybe. I don't know.

4 Q. Got it.

5 I know APTIM issued the badges. Did APTIM also take
6 the pictures of the individuals -- of the individual
7 contractors for these badges?

8 A. That is correct.

9 Q. And these individuals, the Tier I's, were not --
10 you're saying that APTIM did not provide transportation to
11 Tier I employees, Patriot or Navigation; is that right?

12 A. As stated before, APTIM did not provide vehicles
13 to the subcontractors.

14 Q. To the best of your knowledge, were any of the
15 subcontractors, and specifically Navigation and Patriot,
16 working on 24-hour shifts --

17 A. As stated --

18 Q. -- in connection --

19 A. -- we only worked normal business hours during
20 the day, as long as there was daylight, from 6:00 to 6:00
21 or 7:00 to 7:00, depending on the time of the year.

22 Q. I thought that was only when the warehouse would
23 be open.

24 A. No.

25 Q. But you're saying the work hours --

1 A. Our work hours while we were on the island were
2 basically normal. There was no 24-hour shift, just the
3 daytime shift.

4 Q. And was this something that was instituted by
5 APTIM in terms of the hours of the Tier I employees,
6 Navigation and Patriot?

7 A. It kind of make sense that you wouldn't be on the
8 roof at -- at midnight, so when you can't see so...

9 Q. How is it that APTIM sort of -- well, did APTIM
10 have a relationship with Navigation prior to the
11 EHRVI Program?

12 A. Not that I'm aware of.

13 Q. And what about Patriot, did APTIM have any
14 relationship with Patriot before the EHRVI Program?

15 A. Not that I'm aware of.

16 Q. How did APTIM, to the best of your knowledge --
17 well, you're the -- you were the construction manager for
18 the EHRVI Program. So you, as construction manager, how
19 did you discover this subcontractor called Navigation?

20 MR. MOSKOWITZ: Objection.

21 BY MS. RUSSELL:

22 A. Yeah, when my subcontract administrator told me
23 that they were cleared to work for APTIM.

24 Q. Navigation was cleared to work for APTIM?

25 A. That was correct, from my subcontracts.

1 Q. And do you know what that clearance actually
2 means?

3 A. I do not.

4 Q. And would it have been the same with Patriot,
5 somebody said that they were cleared to perform
6 subcontractor work?

7 A. That would be correct.

8 Q. And do you know who the person is who told you
9 that these companies got the clearance to provide work
10 under the EHRVI Program or were qualified?

11 A. Johnson Hunt was our subcontract administrator on
12 island.

13 Q. So are you saying that Mr. Hunt is the one who
14 would have brought these companies to your attention or
15 that he may know who brought the companies to your
16 attention?

17 A. Mr. Hunt was our subcontracts administrator, and
18 he's the one that issues the purchasing orders and order
19 for subcontractors that worked for APTIM.

20 Q. I understand that APTIM provided vehicles for its
21 own employees to work -- to, you know, sort of get around.
22 Were these vehicles accessible by the APTIM employees for
23 24 hours or just between the hours of work?

24 A. The vehicles were basically given to the
25 employees to travel from work and then back and forth to

1 wherever they were staying, housing, hotels, et cetera.

2 Q. And I assume, because most of these employees
3 were off island, that APTIM made arrangements for the
4 housing, for the transportation, et cetera?

5 A. That is correct.

6 MR. MOSKOWITZ: Objection to form as to APTIM
7 employees only.

8 BY MS. RUSSELL:

9 Q. Right, APTIM employees.

10 A. Correct.

11 Q. Were the APTIM employees given a safety training,
12 any type of safety training program?

13 A. Yes, they were basically given the same safety
14 training program that our subcontractors was given. And
15 that's how we got our badges.

16 Q. Now, when I say safety program, I was talking
17 about OSHA. What about driving, motor vehicle safety?

18 A. APTIM, as a company, has their own safety program
19 that does have defensive driving and other courses. In
20 order for us to drive a APTIM vehicle or rental vehicle, we
21 have to be trained, and our motor vehicle records get
22 pulled and make sure that we actually have a driver's
23 license and all that.

24 Q. And that's for APTIM employees?

25 A. Yes, we're talking about APTIM employees.

1 Q. Did APTIM, when it contracted with the
2 subcontractors, require that same type of defensive driving
3 program for people who -- the off-island people who would
4 be working on the EHRVI Program?

5 A. Like I said, that was just for APTIM employees.

6 Q. Right. But when APTIM contracted with Navigation
7 or Patriot, did they require them to --

8 A. Not that I'm aware of.

9 Q. -- have this program?

10 Did you find, as an APTIM employee, that the defensive
11 driving courses were helpful?

12 A. Uhm, it depends, you know. I mean, it's -- I
13 been doing it for 27 years so, and I been driving ever
14 since I was 10 years old; so I could say not really.

15 Q. What about driving on the left-hand side of the
16 road?

17 A. Oh, that was interesting.

18 Q. I know you haven't been doing that since you were
19 10.

20 A. Well, yeah. I live out in the country so...

21 Q. Got it.

22 Tell me about any -- if any, specific defensive
23 driving program you may have gone through for driving
24 specifically on St. Croix?

25 A. No, nothing for St. Croix. You just kinda -- the

1 minute you got off the airplane and seen everybody driving
2 on the left-hand side of the road, you just kinda followed
3 suit. Called common sense.

4 Q. What period of time did you work on St. Croix,
5 between when and when?

6 A. Basically, the whole time I was down there. I
7 mean, it's been several years so... I think I was down
8 there from end of September to, I want to say, the summer,
9 the following summer.

10 Q. So that would be 2019. So September 2018 to the
11 following summer of 2019?

12 A. Yes, that sounds about right.

13 Q. Were you aware of the car accident that occurred
14 on November 1st involving Andrew and Nathan McCann?

15 A. I can't recall if I was aware of it or not or if
16 it was something that was just mentioned on passing or --
17 or anything like that, but I do not have any recollection
18 of that.

19 Q. I understand you don't have any specific
20 recollection, but were you aware that the only thing left
21 at the accident site were two APTIM badges?

22 A. No.

23 MR. MOSKOWITZ: Object to the form.

24 BY MS. RUSSELL:

25 Q. I didn't hear your answer, Mr. Janz.

1 A. I said, no, I did -- I was not.

2 Q. What happened to the vehicles that APTIM used for
3 its employees in connection with the EHRVI Program? Did
4 they remain -- the ones that were shipped down, the 80
5 trucks, did they go back to the states, or did they remain
6 in the Virgin Islands?

7 A. It depends on -- we have a contract with
8 Donnellan Corporation, and so depending on the year of the
9 vehicle, the miles on the vehicle, the majority of the
10 vehicles did get sent back to the states, but I -- I do
11 know that we did or Donnellan did sell some of the vehicles
12 down there on the island.

13 Q. Do you know whether or not any of the
14 subcontractors used, well, artificial lighting to perform
15 work at night?

16 A. There shouldn't have been any work at night; so
17 they shouldn't have needed artificial lighting.

18 Q. Did any Tier I employees have access to APTIM
19 vehicles?

20 A. No. APTIM vehicles were for APTIM employees
21 only.

22 MS. RUSSELL: Mr. Janz, that's all the
23 questions I have. Have a great retirement. All the
24 best to you for the new year.

25 THE WITNESS: All right.

1 CROSS-EXAMINATION

2 BY MR. MOSKOWITZ:

3 Q. Good afternoon, Mr. Janz. My name is
4 Alex Moskowitz, and I am the attorney for APTIM. Just a
5 couple of follow-up questions for you, from what counsel
6 for the plaintiff just asked you.7 Are you aware of whether or not APTIM brought down any
8 Jeep Liberties to the U.S. Virgin Islands?

9 A. Am I aware that APTIM brought Jeep Liberties?

10 Q. Yes. Did APTIM bring any Jeep Liberties to the
11 U.S. Virgin Islands?12 A. No, we are -- I'm a Ford guy, so we only bring
13 down Chevy. So that's another reason I'm retiring. So but
14 we do not have any -- we're all Chevy, Chevrolet so...

15 Q. So no Jeep Liberties in that fleet?

16 A. No, no Jeep Liberties in the fleet.

17 Q. Were any work on housing done after 7:00 p.m.
18 throughout the course of the time you were in St. John --
19 excuse me, St. Croix?20 A. There should not have been any work done after
21 7:00 p.m.22 Q. Did APTIM distribute any work orders for work to
23 be performed after 7:00 p.m.?24 A. No. The work orders were -- were given, you
25 know, to perform the work, and the majority of the houses

1 weren't a one-day fix, you know; so it was several days.

2 So there was really no reason for anybody to work around
3 the clock or even try to work around the clock.

4 Q. Was there any policy where APTIM subcontractors
5 would request a waiver to work after 7:00 p.m.?

6 A. Not that I'm aware of so...

7 Q. The employees of Patriot and Navigation were not
8 APTIM's employees; correct?

9 A. Correct.

10 MR. MOSKOWITZ: I have nothing further. Thank
11 you, Mr. Janz.

12 THE WITNESS: You're welcome.

13 REDIRECT EXAMINATION

14 BY MS. RUSSELL:

15 Q. Mr. Janz, you did describe them as working for
16 APTIM though; is that right?

17 A. Well, yeah, everybody worked for somebody, but
18 they did not -- they were not -- APTIM did not directly pay
19 the subcontract employees.

20 MS. RUSSELL: Understood. Thank you very
21 much.

22 RECROSS-EXAMINATION

23 BY MR. MOSKOWITZ:

24 Q. Mr. Janz, I have a follow-up based on that.

25 So did APTIM direct the means of the work to be

1 performed by its subcontractors?

2 A. As far as issuing them a work order and a
3 drawings and tell them what to do? Is that your question?

4 Q. Correct.

5 A. Correct.

6 Q. All right. But did APTIM direct the activities
7 of the Patriot and Navigation workers on a day-to-day
8 basis?

9 A. No, they did not direct them. That was up to the
10 subcontractors to direct their own personnel.

11 Q. Did APTIM provide tools for the subcontractors?

12 A. Provide what?

13 Q. Tools.

14 A. No. Subcontractors provided their own tools.

15 Q. Did APTIM pay the subcontractors' employees
16 directly?

17 A. No.

18 Q. Did APTIM provide benefits to any subcontractors'
19 employees?

20 A. No.

21 MR. MOSKOWITZ: All right. I have nothing
22 further.

23 MS. RUSSELL: Thank you very much.

24 (At 3:02 p.m., the deposition of this witness
25 was concluded.)

CERTIFICATE OF REPORTER

I, YVONNE SAMUEL-SETORIE, Registered Professional Reporter, do hereby certify that the above and named witness, DONALD ROBERT JANZ, after being duly sworn, was examined and testified via Zoom video conference as is set forth; and that the answers of said witness to the oral interrogatories propounded by counsel were taken by me in machine shorthand, and represents the official transcript of said deposition; and that said deposition is true and correct, to the best of my ability.

I FURTHER CERTIFY that I am not counsel, attorney, or relative of either party, nor financially or otherwise interested in the event of this lawsuit.

IN WITNESS WHEREOF, I have hereunto
subscribed my hand on this 27th day of January 2023.


YVONNE SAMUEL-SETORIE, RPR